

IN THE MATTER OF MERCHANT MARINER'S DOCUMENT Z-849246-D1
AND ALL OTHER SEAMAN'S DOCUMENTS
Issued to: Charles A. ZEMIS

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1807

Charles A. ZEMIS

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.30-1.

By order dated 22 November 1968, an Examiner of the United States Coast Guard at New York, New York suspended Appellant's seaman's documents for three months plus three months on twelve months' probation upon finding him guilty of misconduct. The specifications found proved allege that while serving as boatswain on board SS AFRICAN STAR under authority of the document above captioned, Appellant:

- (1) on 17 July 1968, failed to perform duties at Papeete and on departure therefrom;
- (2) on 16 August 1968, failed to perform duties at Freemantle, Australia; and
- (3) on 4 September 1968, failed to perform duties at Sydney, Australia.

At the hearing, Appellant did not appear. The Examiner entered a plea of not guilty to the charge and each specification.

The Investigating Officer introduced in evidence voyage records of AFRICAN STAR.

There was no defense.

At the end of the hearing, the Examiner rendered a written decision in which he concluded that the charge and specifications had been proved. The Examiner then entered an order suspending all documents issued to Appellant for a period of three months plus three months on twelve months' probation.

The entire decision was served on 27 March 1969. Appeal was timely filed on 3 April 1969. Although Appellant had until 11 June

1969 to perfect his appeal, he has added nothing to his original notice.

FINDINGS OF FACT

On all dates in question, Appellant was serving as boatswain on board SS AFRICAN STAR and acting under authority of his document.

On 17 July 1968, Appellant was absent from his duties from 1300 to 1700 and was not aboard the vessel when it got underway from Papeete, Tahiti.

On 16 August 1968, at Freemantle, Australia, Appellant failed to perform his duties.

On 4 September 1968, at Sydney, Australia, Appellant failed to perform his duties

BASES OF APPEAL

This appeal has been taken from the order imposed by the Examiner. It is urged that the order is too severe.

APPEARANCE: Appellant, pro se.

OPINION

The sole ground for appeal is that the Examiner's order is too severe. It is noted that at the time of the offenses in the instant case Appellant was on probation under an order entered by an examiner at Houston, Texas, on 20 June 1968. That order called for a suspension of one month if the probation was violated. The Examiner in the instant case made effective that one month, which was necessary, and added two months' effective suspension on his own.

There was here a blatant violation of a probation ordered. Appellant deserves no special consideration.

ORDER

The order of the Examiner dated at New York, New York, on 22 November 1968, is AFFIRMED.

T. R. SARGENT
Vice Admiral, U. S. Coast Guard
Acting Commandant

Signed at Washington, D. C. this 10 day of July 1970

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Order of Examiner

Prior probationary suspension included

Not excessive